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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,963	09/16/2003	Lisa Huntting	3449/3US	2687
23638	7590	02/16/2006	EXAMINER	
ADAMS EVANS P.A. 2180 TWO WACHOVIA CENTER CHARLOTTE, NC 28282			SLACK, NAKO N	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,963	<b>Applicant(s)</b> HUNTTING ET AL.	
	<b>Examiner</b> Naoko Slack	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18-21, 23, 24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 23, 24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

In view of applicant's amendment received December 12, 2005, claims 16, 17, 22, 25, and 27 have been canceled as requested. In a telephone interview with Brandon C. Trego on February 7, 2006, applicant approved cancellation of previously withdrawn claims 28-37. Furthermore, applicant was informed that cancellation of claim 23 and its depending claims 24 and 26 would put the application in condition for allowance. However, applicant chose not to cancel claims and requested that a further Office action be taken.

Therefore, an examination of pending claims 1-15, 18-21, 23, 24, and 26 follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 4,275,972 to Bowen et al.

Claim 23:

Bowen et al. discloses an apparatus comprising a plurality of side pieces (10,12) having ends (14, 16) that are for being respectively joined to one another at joints by

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fasteners (F) which respectively extend into the sidepieces to form a frame such that the frame extends around and defines an opening (column 1, lines 10-12), includes a rearmost surface wherein the fasteners are visible at the rearmost surface of the frame (Figure 1), and includes an innermost periphery and the rearmost surface of the frame intersect at a circumferential edge that extends around and at least partially defines the opening, and the circumferential edge and the rearmost surface of the frame are substantially in a common plane (inner corner depicted in Figure 1). While Bowen et al. does not specify that the frame is mounted to a mirror, the phrases “for framing a mirror” (line 1) and “for being mounted to the mirror” (line 7) comprise statements of intended use which do not further limit the structural features of the claimed invention. It has been held that a recitation regarding the manner in which a claimed apparatus is intended to be used does not differentiate the claimed apparatus from a prior art apparatus which satisfies the claimed structural limitations (Ex Parte Masham, 2 USPQ F2nd 1647, 1987).

Claim 26:

Bowen et al. shows that the ends of the sidepieces are respectively joined to one another at mitered joints (14, 16) to form the frame.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 4,275,972 to Bowen et al. in view of US Patent 6,612,060 to Pearce.

Claim 24:

While Bowen et al. discloses a frame comprising sidepieces that are easily assembled and disassembled for shipping and storage (column 1, lines 12-19), Bowen et al. does not disclose how the frame is mounted. In particular, Bowen et al. does not disclose fasteners attached to the rearmost surface of the frame for attachment to a support surface; however, it is well known in the framing art to apply at least one fastener to the rearmost surface of the frame for mounting. For example, Pearce discloses a frame mounting assembly with at least one fastener on the rearmost surface of each frame sidepiece. Pearce states that the frame may be mounted to a mirror or used to frame works of art (column 3, lines 19-24). In view of Pearce, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount a fastener on the rearmost surface of each of Bowen et al.'s sidepieces, as Bowen et al.'s frame is intended to frame pictures and the like (column 1, line 12).

***Allowable Subject Matter***

Claims 1-15 and 18-21 are allowed.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is 571-272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635

NS  
February 14, 2006